

BILL ANALYSIS

C.S.S.B. 863
By: Van de Putte
Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Members of fire departments and police departments are subject to promotional exams to be considered for a promotion in rank. Many firemen and policemen are also military guardsmen or reservists who often miss promotional when serving or deployed on active duty. Because federal law requires service members to be treated exactly as if they had never left their jobs, for up to sixty months, such missed promotional opportunities may constitute a breach in federal law (Uniformed Services Employment and Reemployment Rights Act, USERRA, Title 38 US Code, Chapter 43, Sections 4301-4333, Public Law 103-353).

C.S.S.B. 863 allows for the administration of promotional exams for firemen and policemen who are deployed on active duty with the military.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 allows for an eligible promotional candidate who is serving on active military duty to take their promotional examination outside of the presence of and at a different time than the other candidates, and may take an exam that is not identical to the exam administered to other candidates.

The bill authorizes the local Fire Fighters' and Police Officers' Civil Service Commission to adopt rules providing for the efficient administration of promotional examinations to eligible candidates taking into consideration not to interfere with ongoing military efforts.

The rules must also require that if a candidate serving on active military duty takes a promotional examination outside the presence of other candidates and passes the examination, the candidate's name is required to be included in the eligibility list of names and promotional candidates who took and passed the identical examination.

SECTION 2 amends the Local Government Code Section 143.028 (c) by changing not more than 24 months to not more than 60 months to bring State Code on line with federal USERRA Code, and by repealing the previous language regarding promotional exams.

EFFECTIVE DATE

This Act takes effect immediately if it receives the necessary votes, otherwise it takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute moves the language from Subsection (j) to Subsection (b) and changes SECTION 2 by replacing 24 months with 60 months.

This substitute also allows an alternate exam to be taken.